

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
CONFERENCE ROOM #106  
TUESDAY, FEBRUARY 9, 1999  
11:30 A.M.**

Commissioners Present: Kathy Campbell, Chair  
Larry Hudkins  
Linda Steinman  
Bob Workman

Commissioners Absent: Bernie Heier

Others Present: Kerry Eagan, Chief Administrative Officer  
Bruce Medcalf, County Clerk  
Gwen Thorpe, Deputy County Clerk  
Ann Taylor, County Clerk's Office

**AGENDA ITEM**

**1 APPROVAL OF COUNTY BOARD STAFF MEETING MINUTES OF FEBRUARY 2, 1999**

**MOTION:** Steinman moved and Workman seconded approval of the minutes. On call Steinman, Workman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

**2 ADDITIONS TO THE AGENDA**

- a. Meeting with Representatives of the Court Appointed Special Advocates (CASA) Program
- b. Sheriff Department's Application for Nebraska Highway Safety Grants

**MOTION:** Steinman moved and Workman seconded approval of the additions to the agenda. On call Workman, Steinman and Campbell voted aye. Hudkins was absent from voting. Motion carried.

**3 PENDING LITIGATION** - Ken Sherwood, County Engineer's Department; Larry Worrell, County Surveyor

Ken Sherwood, County Engineer's Department, briefly reported on efforts to seek a right-of-way for the County on property located on N 1<sup>st</sup> Street and McKelvie Road, for a road improvement project.

Sherwood reported that although an appraisal valued the property at \$4,000 per acre, the property owner will not agree to sell the property for less than \$6,000 per acre. He indicated that negotiations have stalled and recommended that the Board proceed with eminent domain action on the property.

In response to a question from Workman, Sherwood stated it is the County's policy to only offer a price determined to be just compensation, as paying greater than that amount would establish a precedent for future land purchases.

**4 COUNTY SPECIAL PERMIT NO. 167 (GARDEN CENTER AT 68<sup>TH</sup> & BENNET ROAD); CHANGE OF ZONE NO. 181 (AG TO AGR, N 98<sup>TH</sup> & RAYMOND ROAD); CHANGE OF ZONE NO. 182 & COUNTY PRELIMINARY PLAT NO. 98032, WAPITI ESTATES (AG TO AGR, SW 27<sup>TH</sup> & ROKEBY ROAD) - Mike DeKalb, Planning Department; Larry Worrell, County Surveyor**

County Special Permit No. 167

Mike DeKalb, Planning Department, briefly reported on County Special Permit No. 167, a request to locate a garden center at 68<sup>th</sup> & Bennet Road, noting that the Planning Commission has recommended conditional approval of the request, with an amendment to Condition #3, (remove the mobile home on or before December 31, 1999 and replace the structure), as requested by the applicant (Exhibit A). He noted that Planning Staff's concerns have been addressed by the applicant and neighbors support the garden center proposal.

Hudkins arrived at the meeting.

Change of Zone No. 181

DeKalb reported that Planning Staff and the Planning Commission recommend denial of Change of Zone No. 181, a request to change the zoning designation from Agriculture (AG) to Agriculture Residential (AGR) on property at 98<sup>th</sup> & Raymond Road to create a seven acre split off (Exhibit B). He noted that opposition to the request is primarily focused on water supply issues.

Workman read excerpts from a letter the applicant received from the University of Nebraska Institute of Agriculture and Natural Resources, which was shared with neighboring property owners. The letter states that a well on the property should not effect water supply to other wells in the area, due to the adequate size of the lot, as well as the low yield of the domestic well.

Workman stated that, while water is a problem, he is more concerned with the precedent that would be set if the Board granted subdivision of the 20 acre lot.

Steinman concurred, noting that the Board has approved change of zoning designation from Agriculture (AG) to Agriculture Residential (AGR) in the past, if the parcels were contiguous to developed areas. She also expressed concern regarding infrastructure and maintenance costs, noting that approval could limit the Board's control of growth.

#### Change of Zone No. 182 & County Preliminary Plat No. 98032

DeKalb reviewed Change of Zone No. 182 & County Preliminary Plat No. 98032, a proposal to create 14 acreage lots, that vary in size from 3½ acres to 9 acres, on 80 acres of land located at SW 27<sup>th</sup> Street and W Rokeby Road (Exhibit C). The Planning Staff recommended denial and the Planning Commission recommended approval of the change of zone and conditional approval of the preliminary plat.

Workman indicated that the applicant plans to develop several 20 acre lots on the site, if the request is denied.

Campbell noted that the Board has received several letters of concern from constituents with regards to the request and suggested that a letter of response from the Board be drafted.

In response to a question from Workman, DeKalb reported that the Planning Commission agreed to waive requiring the applicant to extend 28<sup>th</sup> Street to the west for future development, due to the location of trees and wetlands in that direction.

Workman suggested that the applicant be requested to provide the County right-of-way to the south, in case there is future development in that area.

The Board requested Larry Worrell, County Surveyor, to review Workman's suggestion.

**NOTE:** This item will not be scheduled on the County Board agenda until site specific conditions of approval on the preliminary plat are completed.

DeKalb also reported briefly on:

- \* Preliminary Plat No. 98025; County Special Permit No. 162; Special Permit No. 1741 (Meadow View - W Van Dorn and SW 84<sup>th</sup> Street) (Exhibit D)
- \* *Cass County Approves New Zoning Regulations* (An article which appeared in the Omaha World-Herald newspaper on January 7, 1999) (Exhibit E)

**5 WORKFORCE INVESTMENT BOARD** - Joan Modrell, Urban Development Director; Jan Norlander-Jensen, Community Development Manager for Urban Development

Joan Modrell, Urban Development Director, distributed copies of the *Workforce Investment Act of 1998 (Public Law 105-220), Recommendations for Transition* which was prepared by the Greater Lincoln Private Industry Council (Exhibit F). She noted the Greater Lincoln Service Delivery Area, which provides Job Training Partnership Act (JTPA) services to residents of Lancaster and Saunders counties, is seeking temporary designation as a Local Workforce Investment Area from Governor Johanns. A local Workforce Investment Board, appointed by the Mayor, will then proceed with development of a one-stop delivery system for Lancaster and Saunders Counties, through which access to other employment and training services will be provided.

Jan Norlander-Jensen, Community Development Manager for Urban Development, presented a draft of *City of Lincoln- Lancaster County- Saunders County, Local Workforce Investment Area Interlocal Agreement* (Exhibit G), which she indicated translates the current JTPA structure into the language and conditions of the Workforce Investment Act, leaving the geographical boundaries intact. She noted that, under terms in the agreement, the Mayor will serve as the Chief Elected Official, which involves fiscal and operational responsibilities.

Campbell noted that the Mayor shall not approve the local plan until Saunders and Lancaster County have been given an opportunity to review and make comment on the plan.

Modrell noted that Mayor Young has requested that the County Board Chair serve on the local Workforce Investment Board.

The Board requested that the County Attorney's Office review the proposed interlocal agreement, prior to scheduling of the item on the agenda for the Tuesday, February 23<sup>rd</sup> County Board of Commissioners meeting.

**6 TELECOMMUNICATIONS NEEDS IN LANCASTER COUNTY** - Thomas Duchen, Telecommunications Consultant with River Oaks Communications Corporation; Thomas Creighton, Telecommunications Consultant; Steve Huggenberger, Assistant City Attorney; Vince Mejer, Purchasing Agent

Tom Creighton explained that he and Duchen are consultants that work with various political subdivisions around the country in telecommunications planning and development. He indicated they are currently working with the City of Lincoln on renewal of the cable franchise and other tangential projects related to the City's telecommunications infrastructure.

Tom Duchen noted their consultant work involves bringing cable television, telephony, wireless, and right-of-way management issues together on behalf of jurisdictions. In addition to review of the Time Warner cable franchise renewal, their consulting contract with the City includes a telecommunications needs assessment. Contacts have included representatives of the City, Lincoln Public Schools, libraries, post-secondary education institutions, businesses, social service agencies and treatment centers. Duchen noted the County's input on telecommunications needs is also requested.

Creighton recommended a pro-active, rather than a reactive approach to telecommunications issues, suggesting that telecommunications infrastructure become an integral part of the County's planning process.

Steinman noted that regulation of right-of-way costs appears to be a crucial issue.

Creighton agreed, noting that telecommunication industries are pushing for legislation that will prevent recovery of costs.

Duchen stated that municipalities have the authority to manage their rights-of-way in a non-discriminatory and competitively neutral manner, noting that having regulations in place lessens the potential for litigation from telecommunication providers.

Steve Huggenberger, Assistant City Attorney, reported that only three cities appeared in opposition at the legislative hearing on LB 496, which changes right-of-way for telecommunications lines and related facilities and eminent domain powers. He suggested that the County Board submit a letter to the Legislature indicating their opposition to the bill.

Brief discussion took place on how to extend cable service and County Board programming into the County.

Creighton stated that Time Warner may be willing to re-up its franchise agreement with the County to coincide with that of the City's.

Siting of cellular towers within the County was also discussed, with Duchen stating the County could elect to prioritize location of cellular towers on County owned property, affording the County the ability to collect lease revenue and to exercise greater control over the towers.

**MOTION:** Workman moved and Steinman seconded to authorize Kerry Eagan, Chief Administrative Officer, and Steve Huggenberger, Assistant City Attorney, to meet with Thomas Duchen and Thomas Creighton, Telecommunications Consultants for the City of Lincoln, to discuss development of a telecommunications plan for Lancaster County. On call Steinman, Workman, Hudkins and Campbell voted aye. Motion carried.

Campbell recessed the meeting at 1:15 p.m.

Campbell reconvened the meeting at 3 p.m.

## **7 ACTION ITEMS**

- a. Memory Upgrade for Keyfile Server, C#99024, \$273.38 from the Microcomputer Fund

**MOTION:** Steinman moved and Hudkins seconded approval. On call Steinman, Hudkins, Workman and Campbell voted aye. Motion carried.

- b. Sale of Surplus Furniture to Chief Justice Hendry (Two side-armed chairs for \$150)

**MOTION:** Hudkins moved and Steinman seconded approval. On call Hudkins, Steinman, Workman and Campbell voted aye. Motion carried.

## **8 CONSENT ITEMS**

- a. Request from Mike Thurber, Corrections Director, to attend Jail Medical Meeting in Kearney, Nebraska, February 22 and 23, 1999
- b. Submission of Application for a Well Workplace Silver Award from WorkWell Inc.

**MOTION:** Steinman and Hudkins seconded approval of the Consent Items. On call Steinman, Hudkins, Workman and Campbell voted aye. Motion carried.

## **9 ADMINISTRATIVE OFFICER REPORT**

- a. Meeting with County Clerk

Campbell reported on a meeting held with Bruce Medcalf, County Clerk, and Gwen Thorpe, Deputy County Clerk, to discuss the Board's expectations of the County Clerk's staff. She indicated the County Clerk's Office has agreed to assist the Board with the following:

- \* Attend and take minutes at the meetings of the Budget Monitoring Committee, General Assistance Monitoring Committee and Rural Address Committee
- \* Assist Diane Gonzolas and Bill Luxford, Citizen Information Center, with development of a public relations strategy for the County Board
- \* Develop a long-term strategy for County records management
- \* Work with the County Attorney's Office on completion of the County Code project
- \* Assist County Board staff in developing a uniform County Board Calendar for placement on the InterLinc website

Hudkins requested that the County Clerk's Office also provide clerical support when a member of the Board serves as Chair of the Area 5 Agricultural & Horticultural Land Valuation Board.

- a. Report from Steve Flanders, Public Building Commission Project Manager, Regarding Alterations to County Clerk and Register of Deeds Space

Hudkins reported on recommendations received from Steve Flanders, Public Building Commission Project Manager, with regards to proposed alterations to space in the County Clerk and Register of Deeds offices, noting that the County will be responsible for costs, which are estimated at \$6,000 to \$8,000 (Commissioners' Information Packet).

**MOTION:** Hudkins moved and Steinman seconded to authorize the expenditure from the Building Fund. On call Steinman, Hudkins, Workman and Campbell voted aye. Motion carried.

b. Emergency Management Meeting Regarding Y2K Contingency Planning

Eagan reported that Doug Ahlberg, Interim Emergency Management Director, has scheduled a meeting on February 24<sup>th</sup> with various department heads, private business groups and support agencies to discuss issues related to Y2K and the County's preparedness.

Workman and Eagan will serve as the County Board's representatives at the meeting.

Steinman left the meeting.

c. Operation Able Award Nominations

The Board requested that copies of the letter be forwarded to members of the Management Team for suggestions of nominees.

d. Appointment of Selection Committee for Flexible Employee Benefit Account (FEBA) Administrator and Employee Benefits Consultant

Eagan reported that Lincoln Electric System (LES) has withdrawn from participation.

Board consensus to appoint the following representatives to the selection committee:

- \* Dave Kroeker, Budget & Fiscal Officer
- \* Sue Eckley, Workers' Compensation & Risk Management Manager
- \* Diane Staab, Deputy County Attorney (To serve in an ex-officio capacity)

The Board also requested that the American Federation of State, County & Municipal Employees (AFSCME) Union select a representative from its membership to serve on the selection committee.

f. County Board Meeting with State Senators

The Board requested Eagan to contact the Douglas and Sarpy County Boards and schedule a luncheon meeting with State Senators in the State Capitol, preferably during the last week of February. The Board suggested that each county present information on two or three priority legislative bills. A list of other priority legislation will also be presented to the senators.

**MOTION:** Hudkins moved and Workman seconded to authorize the County Board Chair and Kerry Eagan, Chief Administrative Officer, to respond to pending legislation and give direction on legislative matters to Gordon Kissel, Legislative Consultant, provided the County Board has established a policy with regards to that legislation. On call Hudkins, Workman and Campbell voted aye. Steinman was absent from voting. Motion carried.

The Board also requested that a one hour block of time, beginning at 8:15 a.m., be scheduled on the agenda for the February 18<sup>th</sup> County Board Staff Meeting for discussion of legislative matters and County Board direction to Gordon Kissel, Legislative Consultant on pending legislation.

## **ADDITIONS TO THE AGENDA**

- a. Meeting with Representatives of the Court Appointed Special Advocates (CASA) Program

Campbell reported that representatives of the Court Appointed Special Advocates (CASA) Program have requested Steinman and Campbell to meet with them to discuss a proposal to assist Lancaster County in applying for a grant to fund participation in the CASA program.

- b. Sheriff Department's Application for Nebraska Highway Safety Grants

Eagan reported the Sheriff's Department will seek two mini-grants through Nebraska Highway Safety to fund purchase of an In-Car Video System and two Stalker Dual Band Radars, for a total cost of \$7,713. The Safety Council's S.T.O.P. Program will provide match funds in the amount of \$3,302 for the equipment purchase, in addition to \$6,390 for one UltraLyte Laser for traffic control and accident investigations.

## **10 DISCUSSION OF BOARD MEMBER MEETINGS**

- a. Joint Budget Committee - Campbell, Steinman

Campbell reported the Joint Budget Committee has requested a report on the University of Nebraska grant to study binge drinking.

Campbell noted that an update on the Community Human Needs Assessment will be received at a meeting to be held later this afternoon.

- b. Public Building Commission - Campbell, Hudkins

Hudkins reported on a recommendation from the Public Building Commission and Steve Flanders, Project Manager, to make a \$10,000 allowance for the electrical contractor in the Contingency Fund, with the unused portion reverting to the Public Building Commission.

Hudkins also reported the dais in the City Council/County Commissioners Hearing Room will be lowered six inches to improve visibility.

Campbell reported the County Sheriff estimates the cost of providing security in the Hall of Justice and Law Enforcement Center at \$248,000 for three deputies, who will also be responsible for security checks of the County-City Building and parking lots, and three courtroom security officers.

## **ADJOURNMENT**

By direction of the Chair, the meeting was adjourned.

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Bruce Medcalf  
Lancaster County Clerk